

they have carefully examined the same, and find the bill correctly enrolled, and have this day, at 2:10 o'clock A. M., presented the said bill to the Governor for his approval.

HOBBS, Chairman.

(Senator Ball in the chair.)

(President in the chair.)

Senator Ireland moved to adjourn until 9 o'clock A. M. to-morrow. Carried.

#### FIFTH DAY.

SENATE CHAMBER,

AUSTIN, January 17, 1874.

Senate met. Roll called; quorum present. Prayer by Rev. O. Fisher.

Minutes of yesterday read and adopted.

The sergeant-at-arms announced a message from the Governor. The message was as follows:

EXECUTIVE OFFICE,

AUSTIN, TEXAS, January 17, 1874.

To the Honorable Gentlemen of the Senate:

I respectfully ask your consent to the appointment of George Clark to the office of Secretary of State.

RICHARD COKE, Governor.

Senator Ireland moved that the Senate go into Executive session. Carried. The Senate then went into Executive session.

IN SENATE.

On motion of Senator Flanagan, the secretary was instructed to inform his Excellency the Governor that the Senate does advise and consent to the appointment of George Clark as Secretary of State.

Senator Bradshaw moved a reconsideration of the resolution adopted yesterday in regard to taking papers. Carried.

Senator Bradshaw then offered the following resolution as a substitute for the one adopted yesterday:

*Resolved*, That each Senator is entitled to twenty-five copies of any paper publishing the proceedings of this House, and the secretary of the Senate is authorized to contract for the same, *provided* they are furnished at a cost not to exceed seven cents per copy.

Senator Wood offered the following resolution as a substitute for the one offered by Senator Bradshaw:

*Resolved by the Senate*, That in addition to the twenty-five copies of the three newspapers authorized to be supplied Senators, that said number be increased to thirty for each Senator, and that the *App.*, published at Houston, be included in said number; and such other papers or paper published in the district of each Senator as he may see proper to order; the number of papers to be supplied each Senator in no case to exceed thirty. Lost.

Senator Ireland moved to insert in the resolution offered by Senator Bradshaw, the words "a fair synopsis of proceedings," after the word "publishing." Adopted.

Senator Wood moved to further amend said resolution by adding, "that each Senator furnish the secretary with a list of papers he desires to take under the resolution." Adopted.

The resolution, as amended, was then adopted.

Senator Ireland introduced the following bill:

"An act to regulate the call of the docket, and disposition of cases in the Supreme Court."

Read first time and referred to Committee on Judiciary.

Senator Culbertson offered the following resolution:

*Resolved*, That the Judiciary Committee consider section three, article five, of the Constitution, and inquire if any further legislation is necessary in respect to the power of the Supreme Court to issue the writ of *mandamus* and such other writs as may be necessary to enforce its jurisdiction, and to report by bill or otherwise.

Adopted.

Senator Dillard stated that the door-keeper was wanted as a witness in the District Court, and moved that he be excused to attend said court. Carried.

(Senator Flanagan in the chair.)

Senator Westfall introduced the following resolution:

*Resolved*, That the committees on Judiciary, Internal Improvements and Education, be empowered to employ clerks whenever, in their judgment, it may be necessary.

Adopted.

Senator Ireland, chairman Committee on Judiciary, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate*: I am instructed by the Committee on the Judiciary to report that they have had under consideration a bill entitled "An act to regulate the call of the docket and disposition of cases in the Supreme Court," and that they recommend the passage of said Bill.

IRELAND, Chairman.

On motion of Senator Westfall, the rules were suspended, bill read second time; and ordered engrossed.

On further motion of Senator Westfall, the bill was read third time and passed.

(President in the chair.)

Senator Randle, chairman of Committee on Engrossed Bills, made the following report:

*Hon. R. B. Hubbard, President of the Senate*:

Your Committee on Engrossed Bills have examined a bill entitled "An act to regulate the call of the docket, and disposition

of cases in the Supreme Court," and find the same correctly engrossed.

ED. RANDLE, Chairman.

Senator Ireland moved that the Senate elect a calendar clerk on Monday next. Carried.

The President announced the following names as pages of the Senate: Jesse Ellis, Bush Stell, A. S. Forbes and John Porter.

The President also announced the following porters: Lem Chalmers, Lee Blocker, — Swedouski and Jake Rainey.

Senator Dillard offered the following resolution:

*Resolved*, That the Judiciary Committee be instructed to consider and report to the Senate the day on which an election should be had, by the Legislature of the State of Texas, for a United States Senator to succeed Hon. J. W. Flanagan, under the act of Congress entitled "An act to regulate the times and manner of holding elections for Senators in Congress," approved July 25, 1866.

Referred to Committee on Judiciary.

Senator Dillard offered the following resolution:

*Resolved*, That the sergeant-at-arms be required to furnish, if possible, suitable rooms for the use of the engrossing and enrolling clerks; that he also be instructed to furnish them with fuel, lights, etc., and that the secretary supply them with suitable stationery, etc., to enable them to properly perform the duties imposed upon them by law.

Adopted.

A message from the House announced the passage of a joint resolution requiring presiding justices of each county to make out duplicate returns for Comptroller, Treasurer, and other State officers, and on the Constitutional Amendments.

Senator Parker moved to suspend the rules to take up joint resolution. Carried. Rules suspended, read first time; rules further suspended, and read second time, and passed to third reading; and on motion of Senator Westfall, the rules were further suspended, read third time and passed.

Senator Culberson moved to adjourn till 10 o'clock A. M., Monday. Carried.

#### SIXTH DAY.

SENATE CHAMBER,

AUSTIN, January 19, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

The following Senators were absent: Dillard, Flanagan, Ireland and Stirman.

Minutes of Saturday read, corrected and adopted.

Senator Randle stated that W. Burton, of the Thirteenth District, was present and ready to be sworn in.

Senator Wood called for a reading of the certificate of election. Read.

Senator Wood stated that he had a protest to make against the seating of said Burton. Protest presented.

Senator Ball moved to refer the credentials just read to the Committee on Privileges and Elections. Carried.

On motion of Senator Wood, the protest of Z. Hunt against allowing W. Burton to qualify until the matter could be investigated was read, and the protest referred to the Committee on Privileges and Elections.

Senator Baker stated that Senator Stirman's family were quite ill, and moved that he be excused for two weeks. Granted.

On motion of Senator Westfall, Senator Ireland was excused until Tuesday.

On motion of Senator Swift, Senator Flanagan was excused until Saturday.

Senator Wood moved that Senator Bradley be added to the Committee on Counties and County Boundaries. Motion carried.

Senator Culberson, for the Committee on Judiciary, submitted the following report: *Hon. R. B. Hubbard, President of the Senate*:

Your Judiciary Committee, to whom was referred a resolution directing the committee to consider and report to the Senate the day on which an election, in accordance with an act of Congress, should be had by the Legislature of the State of Texas for a Senator in Congress to succeed the Hon. J. W. Flanagan, have considered the same, and ask leave to report that, in the opinion of the committee, said election should be held on the twenty-seventh day of January, instant, the same being the second Tuesday after the organization of this Legislature.

Respectfully submitted,

CULBERSON,  
for Committee.

The report was adopted.

Senator Wood introduced a bill entitled "An act to regulate and define mileage to be paid to members of the Legislature." Read first time and referred to Committee on Retrenchment and Reform.

Senator Ball offered the following resolution:

*Resolved*, That the sergeant-at-arms be required to furnish each Senator one copy of Paschal's Digest, one copy each of the general and special laws of the Thirteenth Legislature, and one copy each of the journals of the Senate of the last Legislature; and at the expiration of the present session, all of said digests, general and special laws and journals be returned to said sergeant-at-arms, and by him deposited with the Secretary of State.

Adopted.